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IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1968

ROSE WARREN
County of Kennebec
and State of Maine,
PETITIONER

vs.

WATERVILLE URBAN RENEWAL AUTHORITY
a corporation organized under the
laws of Maine, and having its
principal place of business in
Waterville, County of Kennebec,
and State of Maine

* * * * *

ON PETITION FOR A WRIT OF CERTIORARI
TO THE SUPREME JUDICIAL COURT OF
THE STATE OF MAINE

BRIEF FOR THE RESPONDENT IN OPPOSITION

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I N D E X

Opinion Below	1
Jurisdiction	1
Questions Presented	2
Statutes and Regulations Involved	2
Statement	2
Arguments	5
Conclusion	6

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OPPOSITION

Opinion Below

The opinion of the Supreme Judicial Court of the State of Maine is recorded at 235 Atlantic Reporter, Second series 294.

Jurisdiction

The judgment of the Supreme Judicial Court of the State of Maine was filed November 21, 1967. The Petition for a Writ of Certiorari was filed March 6, 1968. The jurisdiction of this Court is invoked under 28 U.S.C. Section 1257 (3).

Questions Presented

1. Whether the Supreme Judicial Court of the State of Maine committed any errors of law in its decision reported in 235 Atlantic Reporter, Second series 294.

2. Whether the Supreme Judicial Court of the State of Maine correctly found that the Plaintiff's rights of due process were not violated.

Statutes and Regulations Involved

None

Statement

The pertinent facts found by the Supreme Judicial Court of the State of Maine may be summarized as follows:

The Defendant lawfully acquired land and buildings of the Plaintiff in Waterville, Maine, under its right of emminent domain pursuant to an urban renewal program. The Plaintiff brought an action for damages and was awarded $60,000 by a Superior Court jury as her just compensation. During the trial, the Plaintiff and the Defendant had experts testify as to fair market value of the property in question.

Mr. Heywood Sawyer, the Defendant's expert witness, was duly qualified and explained in direct examination the methods used in arriving at his opinion of fair market value. He testified, inter alia, that he was familiar with land values in Waterville and in the

urban renewal area and he explained in detail the three recognized approaches used to determine market value. He employed these methods as a double-check on the accuracy of the results reached in each of the approaches.

The Plaintiff raised no objection on direct examination to the introduction of the details of the various approaches used and cross-examined the expert at great length.

The expert witness of the Plaintiff land-owner based his testimony on facts supplied to him by others--in fact, Mr. Hobbs testified that when he first viewed the property, the buildings had already been demolished. The trial court advised both parties that it would be liberal in

receiving expert testimony and no objection was raised by either counsel to this procedure.

The Supreme Judicial Court of the State of Maine found that there was substantial evidence upon which the jury could have based its verdict; and, therefore, the Plaintiff's constitutional rights were not abridged and no errors of law were committed.

Arguments

The judgment of the Supreme Judicial Court of the State of Maine is correct and the Petitioner has not been deprived of her constitutional rights of due process, or any other legal rights, so as to warrant further review of this case by this Court.

Conclusion

The Petition for a Writ of Certiorari should be denied.

Respectfully submitted,

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Dated: March 7, 1968